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THE LAW AND COMPUTERS

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Compiled by

Daniel G. Cooper

Thomas G. Heintzman

and

Richard B. Austin

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SESSION VI: CONTRACTING FOR SYSTEM USAGE

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INTRODUCTORY NOTE

The materials for this session explore the methods and structures by which computer products and services are distributed, i.e. we examine the nature of the contractual relationship between adjacent links in the chain of distribution. For ease of discussion, the contracts involved have been grouped into two broad classifications. The first group consists of the agreements between the manufacturer and its dealer or distributor. The second category contains the agreement between the ultimate end user and his or her seller, licensor, or lessor, as the case may be.

This session concentrates not on specific issues with respect to particular contracts but rather on the differences between the various structures that might be utilized. Special emphasis is placed on the restraints to the parties' freedom of contract, both those arising from statutory provisions and those that result from the economic realities of the market place. As well as reading the materials contained hereinafter, students should examine some of the standard form contracts contained in the supplementary materials to Sessions VI, VII and VIII.